

能源法热点问题

《北京市租赁小客车数量配置办法》简评

2013年7月22日，北京市交通委员会对2011年发布的《北京市租赁小客车数量配置暂行办法》（以下简称“《暂行办法》”）进行了修订，在其基础上发布了修订后的《北京市租赁小客车数量配置办法》（以下简称“《配置办法》”），并自发布之日起实施。

《配置办法》中所规定的租赁小客车，是指汽车租赁企业用于租赁经营的9座（含）以下客车。与出租汽车不同，租赁小客车仍适用北京小客车指标管理体系，汽车租赁企业需就新增小客车取得指标，但其指标无需通过摇号方式获得。北京市的交通运输管理部门将根据《配置办法》所规定的标准对汽车租赁企业进行分级和评分。依据其结果以及汽车租赁企业的申请，由交通运输管理部门向汽车租赁企业进行指标配置。

与《暂行办法》相比较，《配置办法》最大的亮点是规定了对汽车租赁市场新能源汽车使用的优惠政

策，对于申请使用纯电动汽车用于汽车租赁经营的企业给予指标优先配置。但是如何进行优先配置，《配置办法》目前并没有提出具体细则。预计待具体实施方案确定之后，对汽车租赁企业申请使用纯电动汽车的激励效果才能逐渐显现。

此外，从《配置办法》针对纯电动汽车的政策取向来看，私人在北京购买纯电动汽车同样有可能适用小客车指标制度。此前有传闻称，北京私人购买纯电动汽车的登记有可能不受小客车指标限制。但是，相关具体政策一直没有出台。近期，一些新闻报道改变了此前的预测，并提及根据相关负责人的介绍，私人购买纯电动汽车仍然需要在小客车指标制度下进行摇号或进行单独的指标申请。《配置办法》中对纯电动汽车的规定，尽管并不适用于私人购买汽车的情况，但似乎也体现了“纯电动汽车仍需受限于指标控制但提供某种优先保障”这一政策取向。当然，具体措施如何，还有待政策进一步的明朗。

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New Energy Vehicle

Beijing Commission of Transport Issued Measures for Allocation of Rental Car Quota in Beijing

On July 22, 2013, Beijing Commission of Transport issued the *Measures for Allocation of Rental Car Quota in Beijing* (the “Allocation Measures”) as a revision of the existing *Interim Measures for Allocation of Rental Car Quota in Beijing* (the “Interim Measures”) issued by Beijing Commission of Transport in 2011. The Allocation Measures comes into immediate effect upon the issuance.

Under the Allocation Measures, the “rental car” refers to passenger vehicle with no more than 9 seats. Unlike taxis which are regulated by separate rules, car rental companies are still required to obtain the quota under the vehicle quota administration system implemented in Beijing for adding new rental cars. However, the quota does not need to be obtained through the lottery process. Instead, it will be allocated by Beijing transport authorities based on the car rental companies’ applications and the ranking and grades given by the transport authorities to each applicant pursuant to the standards set out in the Allocation Measures.

Compared to the Interim Measures, the Allocation Measures are featured with the priority conferred to the pure electric vehicles in the car rental sector in terms of the quota allocation. However, the Allocation Measures does not elaborate on the implementation rules to realize the priority in practice. Therefore, it is anticipated that the Allocation Measures are unlikely to instantly spur the enthusiasm of using pure electric vehicles in the car rental business until the further clarity on the detailed measures.

Moreover, in view of the sign provided in the Allocation Measures, the private use of pure electric vehicles may be also subject to the vehicle quota control. Earlier on there were rumors that the vehicle quota system will not apply to the pure electric vehicles for private use and the private users may register their vehicles without obtaining the quota. As indicated in recent news reports, however, officials at Beijing transport authorities anticipated that private users of pure electric vehicles may still be required to obtain the quota through lottery or alternative application process.

By extending the quota requirement to pure electric vehicles, it seems the Allocation Measures have reflected such trend, while the actual policy regarding the private use of pure electric vehicles may need longer time to achieve more clarity.

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